



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3722

Introduced 2/11/2010, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

70 ILCS 715/1	from Ch. 127 1/2, par. 301
70 ILCS 715/2	from Ch. 127 1/2, par. 302
70 ILCS 715/3	from Ch. 127 1/2, par. 303
70 ILCS 715/4	from Ch. 127 1/2, par. 304
70 ILCS 715/5	from Ch. 127 1/2, par. 305
70 ILCS 715/6	from Ch. 127 1/2, par. 306
70 ILCS 715/7	from Ch. 127 1/2, par. 307

Amends the Fire Protection of Unprotected Area Act. Provides that all unprotected areas of unincorporated portions of a county (instead of a county of less than 500,000 inhabitants) shall be eligible for assignment by the State Fire Marshal of fire protection coverage from a fire protection jurisdiction. Changes "fire protection district" to "fire protection jurisdiction". Provides that a "fire protection jurisdiction" includes fire departments of any unit of local government. Adds that property owners of an unprotected area may request that the State Fire Marshal arrange for fire protection coverage for the unprotected area from specified fire protection jurisdictions. Makes other changes. Effective immediately.

LRB096 20662 RLJ 36379 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fire Protection of Unprotected Area Act is
5 amended by changing Sections 1, 2, 3, 4, 5, 6, and 7 as
6 follows:

7 (70 ILCS 715/1) (from Ch. 127 1/2, par. 301)

8 Sec. 1. Definitions. ~~As used in this Act:~~ As used in this
9 Act:

10 "Unprotected area" means any part of an unincorporated area
11 of a county ~~of less than 500,000 inhabitants~~, which is not part
12 of a fire protection jurisdiction ~~district~~, or which does not
13 have available on voluntary or contractual basis a source of
14 fire protection coverage.

15 "Fire Marshal" means the State Fire Marshal.

16 "Fire Protection Jurisdiction ~~District~~" includes fire
17 departments of any unit ~~units~~ of local government.

18 "Fire Protection Coverage" means the availability of fire
19 protection on a voluntary, or contractual basis, from a
20 municipal fire department or fire protection district, or
21 eligibility to receive services from a unit of local government
22 that provides fire protection.

23 (Source: P.A. 79-1054.)

1 (70 ILCS 715/2) (from Ch. 127 1/2, par. 302)

2 Sec. 2. Fire protection. After December 31, 1975, all
3 unprotected areas of unincorporated portions of counties ~~of~~
4 ~~less than 500,000 inhabitants~~ shall be eligible for assignment
5 by the Fire Marshal of fire protection coverage from a fire
6 protection jurisdiction district. ~~Incorporated areas and~~
7 ~~municipal fire departments shall be exempt from the provisions~~
8 ~~of this Act.~~

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 (70 ILCS 715/3) (from Ch. 127 1/2, par. 303)

11 Sec. 3. Request for coverage. Upon written request to the
12 Fire Marshal, from registered voters or property owners of an
13 unprotected area, the Fire Marshal is authorized to contact
14 with all practicable speed fire protection jurisdictions
15 ~~districts~~ near such unprotected area, to seek to arrange for
16 fire protection coverage from a fire protection jurisdiction
17 ~~district~~ under a voluntary, negotiated fee basis.

18 (Source: P.A. 83-392.)

19 (70 ILCS 715/4) (from Ch. 127 1/2, par. 304)

20 Sec. 4. Assignment of coverage; payment.

21 (a) If unable to arrange or negotiate successfully for fire
22 protection coverage on a fee basis to the unprotected area
23 within a reasonable period of time, the Fire Marshal may assign

1 a source of fire protection coverage to the unprotected area
2 from a nearby fire protection jurisdiction ~~district~~.

3 (b) Whenever fire protection coverage services are
4 provided to an unprotected area, the persons requesting such
5 services after the effective date of this amendatory Act of
6 1983 shall pay to the fire protection jurisdiction ~~district~~
7 providing the services an amount equal to the Fire Protection
8 Tax levied by the fire protection jurisdiction ~~district~~
9 providing fire protection services. Such amount shall be paid
10 annually on the anniversary date of the assignment.

11 (c) The fire protection jurisdiction ~~district~~ that
12 provides fire protection coverage services shall request
13 payment each year as required by paragraph (b) from the persons
14 requesting such services. Such request shall be sent by first
15 class mail. If no payment is received within 30 days, a second
16 request shall be sent. If no payment is received within 15 days
17 after the second request is sent, a third request for payment
18 shall be sent by certified mail.

19 If no payment is received within 15 days after the mailing
20 of the third notice, the fire protection jurisdiction ~~district~~
21 shall certify to the Fire Marshal that the above notices were
22 sent and that payment was not received. Upon receipt of the
23 certification of nonpayment, the Fire Marshal shall terminate
24 the assignment to such person's property.

25 (Source: P.A. 83-392.)

1 (70 ILCS 715/5) (from Ch. 127 1/2, par. 305)

2 Sec. 5. Term of coverage. Except as otherwise provided in
3 this Section, an assignment under this Act shall be in force
4 for 2 years. After such time no part of the area shall be
5 eligible for another assignment. A person that has been
6 assigned fire protection coverage services pursuant to this Act
7 may petition the corporate authorities of the fire protection
8 jurisdiction ~~district~~ providing such coverage for a continued
9 assignment of coverage under this Act. If the corporate
10 authorities agree to such continued assignment, they shall
11 notify the Fire Marshal of such agreement and shall continue to
12 provide for fire protection coverage to the property so long as
13 payments to the jurisdiction ~~district~~ for such coverage as
14 provided in this Act are made.

15 (Source: P.A. 85-1434.)

16 (70 ILCS 715/6) (from Ch. 127 1/2, par. 306)

17 Sec. 6. Priorities of assigned fire protection
18 jurisdiction. The provisions of this statute, as provided in
19 Section 4, shall in no way supersede the responsibility of the
20 assigned fire protection jurisdiction ~~district~~ to respond to
21 calls for fire protection coverage within their own
22 jurisdiction ~~district~~, or under prior contractual agreements,
23 on a priority basis. The assignment authority of the Fire
24 Marshal, as provided herein, shall require a fire protection
25 jurisdiction ~~district~~ to provide fire protection coverage, to

1 the best of their ability, subject to above priority
2 considerations.

3 (Source: P.A. 79-1054.)

4 (70 ILCS 715/7) (from Ch. 127 1/2, par. 307)

5 Sec. 7. Exemptions from provisions of this Act.

6 (a) Where a designated or assigned fire protection
7 jurisdiction ~~district~~ can show cause, to the satisfaction of
8 the Fire Marshal, that assignment to provide fire protection
9 coverage to an unprotected area would raise the Insurance
10 Service Office ~~fire~~ rating classification of the jurisdiction
11 ~~district~~ to a higher category or classification than that
12 presently held, it shall, upon presentation of such sufficient
13 evidence to the State Fire Marshal, be exempt from assignment
14 by provisions of this statute to a designated area.

15 (b) Territory formerly included in a fire protection
16 district which has been dissolved pursuant to Section 15a of
17 "An Act in relation to fire protection districts", approved
18 July 8, 1927, as amended, shall be exempt from assignment and
19 negotiation under the provisions of this Act for a period of 24
20 months after such dissolution.

21 (Source: P.A. 83-392.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.